

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10/Chad
6/9/03

Re Application of: Pulliam, Bryan J.
Serial No.: 09/766,222 Group Art Unit: 3679
Filed: 01/19/2001 Examiner: Cottingham, John R.
For: Portable Fencing Attorney Docket: RM579b
System and
Components Therefor

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GROUP 3600

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO ELECTION /RESTRICTION REQUIREMENT

Dear Examiner Cottingham:

In response to the Office communication mailed April 25, 2003, please find the following:

1. Applicant provisionally elects the invention claimed in Group II, which corresponds with claims 102-117 and 149, drawn to a winch corner, classified in class 256, subclass 40. Inventorship remains the same.

2-4. Applicant notes that under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. MPEP §802.01 states:

DISTINCT

The term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). It will be noted that in this definition the term related is used as an alternative for dependent in referring to subjects other than independent subjects.

Applicant would like to point out, however, that in Paragraph 2, the Examiner's last sentence referencing using Applicant's winch corner to pull boats out of the water is inaccurate.

As stated in Applicant's Amendment dated February 24, 2003, Applicant's winch corner fixture is removably anchorable to a ground segment. The reel in Applicant's system plays no part in tightening the line; it merely holds, lets out, and takes up the line. Therefore, it would not support the pulling of a boat since the winch is a manual winch and not a ratcheted-type of winch. Line tightening is accomplished by manually pulling the line taut, and then manually winding it onto an anchor bracket.

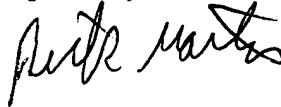
Applicant would also draw the Examiner's attention to the last sentence point of Paragraph 3. Although the fencing system's corner member can be placed at a deep penetration, the novelty of the system is that the corner member employs anchors at a shallow penetration that provide a secure mount in the ground via "reverse bracing." Reverse bracing, which was explained in Applicant's Amendment dated February 24, 2003, allows Applicant's corner member to provide security or rigidity in the fence structure against high lateral forces without the employment of deep anchoring.

Referring to the last sentence of Paragraph 4, it is unclear to Applicant what the Examiner means by "the winch does not have to be setup using all three legs, the third position can rest on something else." Applicant's winch assembly is mounted above the mounting portions of a main support frame. A plurality of at least three spaced apart leg members are each pivotally mounted to one of the mounting portions of the main support frame.

5-8. Noted.

Applicant respectfully requests the Examiner to pass this application to allowance.

Respectfully Submitted,



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Date: 5/27/03



3679

AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s) Pulliam, Bryan J.			Docket No. RM579b
Serial No. 09/766,222	Filing Date 1/19/2001	Examiner Cottingham	Group Art Unit 3679

Invention: Portable Fencing System and Components Therefor

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

☐ A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	17 -	121 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	2 -	12 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0617
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Rick Martin
Signature

Dated: 5-27-03

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I certify that this document and fee is being deposited on 5/27/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20591. Mail Stop Non Fee Amendment Alexandria VA 22313-1450. <i>Aileen Law</i> Signature of Person Mailing Correspondence Aileen Law Typed or Printed Name of Person Mailing Correspondence
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CC: